

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Baca

February 16, 2005

An act to amend Sections 13040 and 13041 of the Education Code, relating to California Native Americans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Baca. California Native Americans: instructional resources.

Existing law requires the State Librarian to develop a specified curriculum framework and content standards, and to award grants or to contract with developers to develop California Native American instructional resources for public schools, and to submit to the Curriculum Development and Supplemental Materials Commission the developed instructional resources for public hearing and recommendation to the State Board of Education. Existing law requires the board to hold a public hearing regarding the recommendation of the commission and to approve the instructional resources along with any modifications that the board determines to be appropriate.

This bill would require the board to hold that public hearing no later than August 1, 2005. The bill would make clarifying and other technical changes.

The bill would appropriate \$250,000 from the General Fund and allocate \$125,000 of these moneys to the State Librarian for purposes of the program described above, and \$125,000 to the State Department of Education for supporting the commission and the board in review of the standards-based instructional resources.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{4}{5}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) California's American Indians are the first peoples to have
- 4 settled California, an estimated 15,000 years before European
- 5 colonization.
- 6 (b) California was a hospitable environment, and was home to
- 7 approximately one-third of all American Indians prior to
- 8 colonization. These peoples had developed widespread and
- 9 unique cultures, including as many as 100 distinct languages.
- 10 (c) Colonization occurred by four distinct groups, Spanish,
- 11 Russian, Mexican, and American. Each had its own distinct, yet
- 12 significant, impact upon American Indians within California.
- 13 (d) The first people of California have a unique set of cultures
- 14 that greatly enrich California and these have survived despite the
- 15 many threats to them. There are 107 recognized Indian tribal
- 16 governments in the State of California, the most of any state in
- 17 the nation. California residents and pupils need to know more
- 18 about the contemporary status of, and the social, governmental,
- 19 and economic issues affecting California Native Americans.
- 20 (e) California Native American tribes differ from the
- 21 Midwestern and Eastern Native American tribes in their original
- 22 culture and language, their social evolution, and their current
- 23 cultural practices. With a stronger educational foundation,
- 24 Californians of the future will be better informed about the
- 25 unique identities and cultural contributions of these tribes.
- 26 (f) Currently, the instructional resources available for use in
- 27 the California public schools do not include accurate
- 28 contemporary information concerning Native Americans in this
- 29 state. Therefore, little can be taught that draws together the
- 30 historic circumstances of California Native Americans with their
- 31 lives and futures in today's California. Unfortunately, as a result,
- 32 myths and faulty stereotypes may be perpetuated.

(g) Tribal sovereignty, the constitutional and legal right of tribes to govern themselves and tribal lands in accordance with federal law and under a unique nation-to-nation status, is rarely understood. However, these matters are important, as tribes have governmental powers, responsibilities, and authority in relationship to the state and local governments.

(h) Instructional materials that incorporate California Native American history, culture, sovereignty, and contemporary issues of modern Native Americans, and their relationship and place in California's diverse governmental, racial, and cultural communities will provide California's children a more complete education and academic preparation to interact in today's world.

(i) It is in the best interest of all the people, and of the future of this state, to ensure that each school district, charter school, county office of education, and California Native American education center have the opportunity to seek, learn, review, develop, and share culturally accurate instructional materials.

(j) The highest quality instructional materials that include a discussion of the role of California Native Americans, in the history, culture, governance, and socioeconomic dynamics of the state should be available to all Californians.

SEC. 2. Section 13040 of the Education Code is amended to read:

13040. (a) The State Librarian shall expend the funds allocated for the purposes of this part to develop, in consultation with the ~~State Department of Education~~ *department* and the Curriculum Development and Supplemental Materials Commission ~~related to,~~ *a* history-social science curriculum framework and content ~~standards,~~ *standards for* California Native American instructional resources for use in the public schools maintaining any combination of instructional settings from kindergarten to grade 12, inclusive.

(b) The State Librarian may award grants on a competitive basis or shall contract with instructional resource developers to prepare the instructional resources consistent with the state curriculum framework and content standards where the teaching of Native American history is identified, and shall consult with a broadly based group of experts to advise upon and review the instructional resources. The instructional resources shall be subject to Section 13041 and all other relevant statutes governing

1 the content of educational materials prior to distribution to the
2 public schools.

3 (c) In carrying out subdivision (b), the State Librarian is
4 encouraged to do or enable each of the following, to the extent
5 possible:

6 (1) Involve California Native Americans in the development
7 of the instructional resources.

8 (2) Consult with local and regional consortia of organizations
9 and individuals engaged in similar educational, research, and
10 development efforts.

11 (3) Coordinate and collaborate with organizations and
12 individuals engaging in similar educational, research, and
13 development endeavors.

14 (4) Utilize creative and innovative methods and approaches in
15 research for, and development of, the instructional resources.

16 (5) Seek matching funds, in-kind contributions, or other
17 sources of support to supplement the funds provided in support
18 of this part.

19 (6) Propose the use of a variety of media, including new
20 technology and the arts, to creatively and strategically appeal to
21 pupils while enhancing and enriching community-based
22 educational efforts.

23 (7) Include scholarly inquiry related to the variety of
24 experiences of California Native Americans.

25 (8) Add relevant materials to, or catalogue relevant materials
26 in, libraries and other repositories for the creation, publication,
27 and distribution of bibliographies, curriculum guides, oral
28 histories, and other resource directories and supporting the
29 continued development of scholarly work on this subject by
30 making a broad range of archival, library, and research materials
31 more accessible to the American public.

32 SEC. 3. Section 13041 of the Education Code is amended to
33 read:

34 13041. (a) The State Librarian shall submit to the Curriculum
35 Development and Supplemental Materials Commission the
36 instructional resources developed pursuant to Section 13040.

37 (b) The Curriculum Development and Supplemental Materials
38 Commission shall hold a public hearing regarding the
39 instructional resources and shall recommend them, along with

1 any modifications that the commission determines to be
2 appropriate, to the State Board of Education.

3 (c) (1) The State Board of Education shall hold a public
4 hearing *no later than August 1, 2005*, regarding the
5 recommendation of the Curriculum Development and
6 Supplemental Materials Commission pursuant to subdivision (b)
7 and shall approve the instructional resources along with any
8 modifications that the State Board of Education determines to be
9 appropriate.

10 (2) The State Board of Education shall review the instructional
11 resources approved pursuant to ~~subdivision (c)~~ *paragraph (1)* in
12 relation to the history-social science content standards adopted
13 pursuant to Section 60605 and shall, at any subsequent revision,
14 make adjustments, if any, to the content standards that it
15 determines to be appropriate. The State Board of Education shall
16 also ensure that the approved instructional resources are used as
17 an advisory tool in developing the next revision of the
18 history-social science curriculum framework and standards.

19 (d) Upon approval by the State Board of Education pursuant to
20 subdivision (c), the instructional resources shall be made
21 available to educators as efficiently and effectively as available
22 funding will allow.

23 SEC. 4. The sum of two hundred fifty thousand dollars
24 (\$250,000) is hereby appropriated from the General Fund to the
25 Controller for the purposes of this act, and shall be allocated by
26 the Controller as follows:

27 (a) One hundred twenty-five thousand dollars(\$125,000) to the
28 State Librarian for the purposes of Part 8.7 (commencing with
29 Section 13040) of the Education Code.

30 (b) One hundred twenty-five thousand dollars(\$125,000) to the
31 State Department of Education for supporting the Curriculum
32 Development and Supplemental Materials Commission and the
33 State Board of Education in the review of the standards-based
34 instructional resources pursuant to this act.

35 SEC. 5. This act is an urgency statute necessary for the
36 immediate preservation of the public peace, health, or safety
37 within the meaning of Article IV of the Constitution and shall go
38 into immediate effect. The facts constituting the necessity are:

- 1 In order to permit the timely development of California Native
- 2 American instructional resources, it is necessary that this act take
- 3 effect immediately.

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